

DEPARTMENT OF LAND AND NATURAL RESOURCES

**Adoption of Chapter 13-279
Hawaii Administrative Rules**

October 31, 2002

SUMMARY

**Chapter 13-279, Hawaii Administrative Rules,
entitled "Rules Governing Standards for Archaeological
Monitoring Studies and Reports", is adopted.**

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 13

STATE HISTORIC PRESERVATION DIVISION RULES

CHAPTER 279

RULES GOVERNING STANDARDS FOR ARCHAEOLOGICAL MONITORING
STUDIES AND REPORTS

§13-279-1	Policy and purpose
§13-279-2	Definitions
§13-279-3	Archaeological monitoring, generally
§13-279-4	Archaeological monitoring plan
§13-279-5	Monitoring report
§13-279-6	Final disposition of collections and human skeletal remains.
§13-279-7	Penalty

§13-279-1 Policy and purpose. This chapter establishes standards for archaeological monitoring studies and reports, to improve the overall quality of this activity and to better protect the public's interests. [Eff _____] (Auth: HRS §6E-3) (Imp: HRS §§6E-3, 6E-7, 6E-8, 6E-42, 6E-43)

§13-279-2 Definitions. As used in this chapter unless the context requires otherwise:
"Ahupua`a" means a traditional Hawaiian land division usually extending from the mountain to the sea.
"Archaeological data recovery" means the form of mitigation that archaeologically records or recovers a reasonable and adequate amount of information as determined by the department, from a significant historic property.
"Archaeological inventory survey" means the process of identifying and documenting the archaeological historic properties and burial sites in a delineated area, gathering sufficient information to

evaluate significance of the historic properties and burial sites, and compiling the information into a written report for review and acceptance by the department.

"Burial site" means any specific unmarked location where prehistoric or historic human skeletal remains and their associated burial goods if any, are interred, and its immediate surrounding archaeological context, including any associated surface or subsurface features, deemed a unique class of historic property, and not otherwise included in section 6E-41, HRS.

"Consultation process" means notifying interested organizations and individuals that a project could affect historic properties of interest to them; seeking their views on the identification, significance evaluations, and mitigation treatment of these properties; and considering their views in a good faith and appropriate manner during the review process.

"Department" or "DLNR" means the state department of land and natural resources.

"Historic preservation review process" means the process specified in chapters 13-275 and 13-284, used to comply with sections 6E-7, 6E-8 and 6E-42, HRS.

"Historic property" means any building, structure, object, district, area, or site, including heiau and underwater site, which is over fifty years old.

"Mitigation" means the measures taken to minimize impacts to significant historic properties. Mitigation may take different forms, including, but not limited to, preservation, archaeological data recovery, reburial, ethnographic data recovery, historic data recovery, and architectural recordation.

"Person" means any individual, firm, association, agency, organization, partnership, estate, trust, corporation, company, or governmental unit that is proposing a project.

"Project" means any activity directly undertaken by the state or its political subdivisions or supported in whole or in part through appropriations, contracts, grants, subsidies, loans, or other forms of funding assistance from the state or its political subdivisions or involving any lease, permit, license, certificate, land use change, or other entitlement for use issued by the state or its political subdivisions.

"Project area" means the area the proposed project may potentially affect, either directly or indirectly. It includes not only the area where the project will

take place, but also the proposed project's area of potential effect.

"Significant historic property" means any historic property that meets the criteria of the Hawaii register of historic places or the criteria enumerated in subsection 13-275-6(b) or 13-284-6(b).

"State historic preservation division" or "SHPD" means the state historic preservation division within the state department of land and natural resources.
[Eff] (Auth: HRS §6E-3) (Imp: HRS §§6E-1, 6E-3, 6E-7, 6E-8, 6E-42)

§13-279-3 Archaeological monitoring, generally.
Archaeological monitoring may be an identification, mitigation, or post-mitigation contingency measure. Monitoring shall entail the archaeological observation of, and possible intervention with, on-going activities which may adversely affect historic properties.
[Eff] (Auth: HRS §6E-3) (Imp: HRS §§6E-3, 6E-7, 6E-8, 6E-42)

§13-279-4 Archaeological monitoring plan. (a)
Archaeological monitoring undertaken in response to SHPD requirements or recommendations shall be based on a written plan, which specifies:

- (1) What kinds of archaeological remains or historic properties are anticipated or require protection;
- (2) Where in the project area these properties are known to be or anticipated to be located;
- (3) Needed fieldwork to protect or document known or anticipated historic properties, which may include, but not be limited to, profile documentation of stratigraphy, drawings, photographs, lithic sourcing, and excavation of exposed features;
- (4) A provision that the archaeologist conducting the monitoring has been given the authority to halt ground disturbing activities in the immediate area of a find, in order to carry-out the plan. Project activities can shift to other areas in such a case;
- (5) A coordination meeting with any construction team and the archaeologist, so the construction team is aware of the plan;
- (6) Any laboratory work expected to be done;

- (7) Report preparation; and
 - (8) Archiving of any collections.
 - (b) This plan shall be reviewed and approved by the SHPD prior to the monitoring project, unless otherwise agreed to by SHPD.
 - (c) If monitoring is proposed in response to the inadvertent discovery of human skeletal remains, a written monitoring plan may not be required.
- [Eff _____] (Auth: HRS §6E-3) (Imp: HRS §§6E-3, 6E-7, 6E-8, 6E-42)

§13-279-5 Monitoring report. A monitoring report, prepared by an archaeologist who meets the minimum requirements under chapter 13-281, shall be submitted for monitoring undertaken in response to SHPD requirements or recommendations. It shall include the following:

- (1) Management Summary, including:
 - (A) Presence or absence of sites; and
 - (B) General findings.
- (2) Location of the study area:
 - (A) On a 1:24000 scale United States Geological Survey quadrangle map, or on a portion or an enlargement of a portion of this map; and
 - (B) In the text, stating the island, district and ahupua`a of the area and the tax map key (TMK) and acreage of the parcel.
- (3) Purpose of the monitoring;
- (4) Archaeological field methods, including:
 - (A) Number of personnel, with the names and qualifications of the principal investigator and field director;
 - (B) When the work was done; and
 - (C) Methods and specific techniques planned in the monitoring plan and any deviations, with explanations why;
- (5) Archaeological fieldwork. Each site studied shall be individually described, including:
 - (A) State site number and any previous numbers;
 - (B) Reference to a previous study, if the site has been recorded before;
 - (C) The site's formal type (e.g., C-shaped enclosure, platform, enclosure, wall, paving, etc.). If it has several major

- features, then each of these should be noted (e.g., three C-shaped enclosures, one platform, four stone cairns);
- (D) Description of the site, including any of the following not recorded in previous studies:
- (i) Size, horizontal extent;
 - (ii) The major feature or features' shape, area, with representative architectural heights and widths, etc., (in metrics);
 - (iii) Presence or absence of surface remains (artifacts, midden, debris, etc.), and if present, the general nature of these remains and their density and distribution;
 - (iv) Presence or absence of any subsurface deposits, and if present, an assessment of the general depth and nature of these deposits;
 - (v) Photographs, line drawings, or both; and
 - (vi) Drafted plan maps, which shall include a bar scale, north arrow, and indicate method used (e.g., tape and compass; instrument mapping).
- (E) If subsurface analysis occurred, findings must be presented under each site's description, including:
- (i) Placing analysis locations on a plan map of the site;
 - (ii) Description of stratigraphic layers, with United States Department of Agriculture standard soil descriptions (using Munsell colors);
 - (iii) Line-drawings depicting the entire length of the profiles, to scale, of all excavations through surface architecture or of all excavations with subsurface features visible in the excavation side walls;
 - (iv) Representative stratigraphic profiles, to scale, of excavations not through surface architecture or where no subsurface features are

- (v) visible in the excavation side walls;
 - (v) Descriptions of features, including provenience within layers;
 - (vi) Listing of artifacts, including provenience within layers;
 - (vii) Listing of faunal and botanical remains, by layer;
 - (viii) Listing of debris and other remains, by layer; and
 - (ix) Listing of any processed radiocarbon, by provenience.
- (F) An assessment of site function, with supportive arguments;
- (G) An assessment of site age;
- (H) An assessment of site significance in accordance with 13-275-6(b); and
- (I) Recommendations.
- (6) Laboratory analyses, including:
 - (A) An overall presentation of artifacts, including:
 - (i) A master list;
 - (ii) Measurements of artifacts, which can be in table form and can be presented under the next item;
 - (iii) Analysis by artifact types; and
 - (iv) Illustrations (line drawings, photographs or both) of a representative sample of artifacts.
 - (B) An overall presentation of faunal and botanical remains, including:
 - (i) A master list, presenting the species within each layer of each site and their weights in grams; and
 - (ii) Analysis by species, as possible.
 - (C) An overall presentation of absolute dating, including:
 - (i) A master list, by site and by provenience within site, which includes laboratory numbers for each date;
 - (ii) Methods of collection and lab treatment; and
 - (iii) For radiocarbon dates, C12/C13 ratios shall be obtained.
 - (D) An overall presentation of lithic sourcing, if appropriate, to include:

- (i) A master list, by site and by provenience within site;
- (ii) Methods of sample selection; and
- (iii) Methods and techniques of source analysis.
- (E) Osteological analyses, if human skeletal remains are found and analyzed, shall conform to chapters 13-283 and 13-300.
- (7) If properties deemed significant under criteria 13-275-6(b)(5) or 13-284-6(b)(5) are discovered, the archaeologist shall consult with members of the relevant ethnic group, when appropriate, and consider any comments when determining appropriate treatment. The report shall describe any consultation process, list the consulted individuals and organizations, and summarize their comments.
- (8) Conclusions including additional findings on any studies previously conducted in the project area.
- (9) References.
- (10) Location of depository (archive) for collections, photographs, written site records, and maps (may be presented in an appendix).
[Eff _____] (Auth: HRS §6E-3)
(Imp: HRS §§6E-3, 6E-7, 6E-8, 6E-42, 6E-43)

§13-279-6 Final disposition of collections and human skeletal remains. (a) All collections, excluding human remains, from public lands shall be placed in an acceptable archive to be designated by the SHPD. Arrangements shall be made with private landowners on the disposition of collections from their lands. If private landowners request archiving of material, then the archive shall be determined in consultation with the SHPD.

(b) If human skeletal remains are recovered during monitoring, they shall be treated as an inadvertent discovery. Any relocation of the human remains and any associated grave goods shall follow the procedures of chapter 13-300. [Eff _____]
(Auth: HRS §6E-3) (Imp: HRS §§6E-1, 6E-3, 6E-6, 6E-7, 6E-8, 6E-42, 6E-43)

§13-279-7 Penalty. Non-compliance with the provisions and procedures established by this chapter shall result in a directive to the person not to proceed with construction in the project area, shall result in a denial or revocation of SHPD's written concurrence or agreement, and shall also be penalized as provided in section 6E-11, HRS, and applicable laws. [Eff
(Auth: HRS §6E-3) (Imp: HRS §§6E-1, 6E-3, 6E-7, 6E-8, 6E-42)

DEPARTMENT OF LAND AND NATURAL RESOURCES

Chapter 13-279, Hawaii Administrative Rules, on the Summary Page dated October 31, 2002, was adopted November 15, 2002, following public hearings held on the islands of Kauai on August 20, 2002, Hawaii on August 21 and 22, 2002, Maui on August 26, 2002, Molokai on August 27, 2002, Oahu on August 28, 2002, and Lanai on August 29, 2002, after public notice was given in the Honolulu Star Bulletin, Hawaii Tribune Herald, West Hawaii Today, Maui News, and the Garden Isle on July 21, 2002.

The adoption of chapter 13-279 shall take effect ten days after filing with the Office of the Lieutenant Governor.

Peter T. Young, Chairperson
Board of Land and Natural
Resources

Approved:

Linda Lingle, Governor
State of Hawaii

Dated: _____

APPROVED AS TO FORM

Deputy Attorney General

Filed